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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

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(PCT Article 36 and Rule 70)
FOR FURTHER ACTION See Notification of Transmittal of Internation Preliminary Examination Report (Form PCT/IPEA/41
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national classification and IPC 7/34, 47/38, A61P 31/10
POLA CHEMICAL INDUSTRIES INC.
nination report has been prepared by this International Preliminary Examining Authority according to Article 36.
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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

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and 70.17). ** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.	** Any	replacement sheet containing such amendments must be referred	to under item 1 and annexed to this report.

INTERNATIONAL PRELIVENARY EXAMINATION REPORT

Interna application No.
PCT/UP 03/07367

v.	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

	citations and explanations supporting	g such statement		
1.	Statement			
	N16- (AD)	Claims	1-18	YES
	Novelty (N)	Claims		NO
		Claims		YES
	Inventive step (IS)	Claims	1-18	NO
	7 1 1 1 1 malicability (TA)	Claims	1-18	YES
	Industrial applicability (IA)	Claims		NO

Citations and explanations

- Document 1: JP 62-93227 A (Nippon Noyaku Co., Ltd.), 28
 April 1987
- Document 2: JP 7-277975 A (Pola Chemical Ind., Inc.), 24
 October 1995
- Document 3: JP 7-223971 A (Pola Chemical Ind., Inc.), 22
 August 1995
- Document 4: JP 60-228412 A (Terumo Corp.), 13 November 1985
- Document 5: US 5229447 A (Saiden Chemical Ind., Co., Ltd.), 20 July 1993
- Document 6: WO 96/10995 A1 (Berwind Pharmaceutical Services, Inc.), 18 April 1996
- Document 7: JP 4-29917 A (Shiseido Co., Ltd.), 31
 January 1992
- Document 8: JP 55-49570 B2 (Terumo Corp.), 12 December 1980
- Document 9: JP 54-140713 A (Lion Hamigaki Kabushiki Kaisha), 01 November 1979
- Document 10: EP 1138314 A2 (Taro Pharmaceutical Ind., Ltd.), 04 October 2001

Document 1 indicates that compounds represented by general formula (1) of the present international application exhibit an anti-fungal activity.

Document 2 indicates combining an anti-fungal agent with a film-forming agent, a plasticizer and the like for use, and presents ethylcellulose or the like as the film-forming agent.

Document 3 indicates combining an anti-fungal agent with ethylcellulose, a plasticizer and the like for use.

Document 4 indicates combining an anti-fungal agent with a film-forming resin, a plasticizer and the like for use, and presents ethylcellulose or the like as the film-forming resin.

Document 5 indicates that it is possible for polyoxyethylene nonylphenyls or the like to impart plasticity.

Document 6 indicates that each type of "pluronic" (F86, etc.) is a solid plasticizer.

Document 7 indicates mixing an anionic surfactant with an agent for external use on the skin, and indicates that doing so will increase the absorption of the active components via the skin.

Document 8 discloses an anti-fungal coating composition wherein an organic solvent with a low boiling point such as acetone "acts to impart tackiness, spreadability, an immediate coating-forming property, expandability and contractibility to the base material for a coating, acts to equalize the anti-fungal agent in order to increase the stability in relation to the coating agent, and acts to increase the permeability of the anti-fungal agent by improving adhesion to the skin."

Document 9 discloses an agent for external use, which comprises a mixture of a film-forming substance, an acetone and a methylethylketone.

Document 10 indicates combining an anti-fungal agent with a polymeric film-forming agent, a plasticizer, a volatile solvent and the like for use as a "nail varnish"; presents a hydrophobic cellulose or the like as the

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

polymeric film-forming agent; presents a polyethylene glycol, propylene glycol or the like as the plasticizer; and presents an acetone or the like as the volatile solvent.

Claims 1-18

The invention set forth in claims 1-18 does not involve an inventive step in the light of documents 1-10 cited in the international search report.

With regards to claim 1, the feature of configuring a composition by combining an anti-fungal agent with a film-forming component and a plasticizer is well known as indicated in documents 2-4; therefore, it would be easy for a person skilled in the art to conceive of using the components that are disclosed in document 1 as active components which exhibit an anti-fungal property, and of also combining such active components with a film-forming component and a plasticizer. In addition, it is common practice to set conditions related to the optimal range of plasticizers that may be used at that time.

With regards to claims 2-17, it is common practice for a person skilled in the art to select a known compound such as ethylglucose as the film-forming component, and to select a known compound that has polyoxyethylene groups or the like as the plasticizer. In addition, it is common practice to add an anionic surfactant to such a composition in order to increase the permeability of the active component, and to add an organic solvent to such a composition in order to adjust the properties of the film. Furthermore, it is impossible to confirm that delimiting the use of these specific components results in an especially prominent effect that could not have been predicted by a person skilled in the art. Moreover, it is common practice to coat compositions that comprise an anti-fungal agent upon nails or the like.

INTERNATIONAL PRELIM NARY EXAMINATION REPORT

Internal application No.
PCT/OP 03/07367

With regards to claim 18, a person skilled in the art could determine an order for adding the components in the composition, as necessary, and it is impossible to confirm that the specific order for adding the components that is delimited in the present international application results in an especially prominent effect that could not have been predicted by a person skilled in the art.

REC'S PORTE 17 DEC 2004

·特 許 協 力 条 約

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国際予備審査報告

(法第12条、法施行規則第56条) [PCT36条及びPCT規則70]

出願人又は代理人 の書類記号 OP1578-PCT	今後の手続きについては、国際予備審査報告の送付通知(様式PCT/ IPEA/416)を参照すること。
国際出願番号 PCT/JP03/07367	国際出願日 · 優先日 (日.月.年) 10.06.2003 (日.月.年) 18.06.2002
国際特許分類 (IPC) Int. Cl'	A61K31/4178, A61K47/08, A61K47/32, A61K47/34, A61K47/38, A61P31/10
出願人 (氏名又は名称) ポーラ化成工業株式会社	
2. この国際予備審査報告は、この表紀 この国際予備審査報告には、P 査機関に対してした訂正を含む (P C T 規則70.16及びP C T	ページである。 卒を含む。
IV 発明の単一性の欠如	上の利用可能性についての国際予備審査報告の不作成 する新規性、進歩性又は産業上の利用可能性についての見解、それを裏付けるため
国際予備審査の請求書を受理した日 25.11.2003	国際予備審査報告を作成した日 07.04.2004
名称及びあて先 日本国特許庁(IPEA/JP) 郵便番号100-8915 東京都千代田区版が関三丁目44	守安 智



国際予備審査報告

国際出願番号 PCT/JP03/07367

I.	国際予備審査	報告の基礎					71/ 11 (
1.	この国際予備	 審査報告は下記	己の出願書類に	基づいて作成さ	れた。(法第6	条 (P C	 T14条)	の規定に基	づく命会に
	PCT規則70.		こし替え用紙は	こ、この報告書に	れた。 (法第6 おいて「出願時	」とし、	本報告書	こは添付しな	۸,°
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Ī	一出願後に、	この国際予備	窓杏(または	四本)松阳1-40	口された各面に。	よる配列	表		
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国際予備審査報告

国際出願番号 PCT/JP03/07367

	日外山級番々 「С1/ 」 P U 3/ U 7 3 6 7
V. 新規性、進歩性又は産業上の利用可能性につ 文献及び説明	ついての法第12条(PCT35条(2))に定める見解、それを裏付け
1. 見解	
· 新規性 (N)	請求の範囲 1-18 有 請求の範囲 無
進歩性 (IS)	請求の範囲 有 請求の範囲 1-18 無
産業上の利用可能性 (IA)	請求の範囲 <u>1-18</u> 有 請求の範囲 無
2. 文献及び説明(PCT規則70.7)	
文献8:JP 55-49570 B2 (テルモ株式会文献9:JP 54-140713 A (ライオン歯磨文献9:JP 54-140713 A (ライオン歯磨文献10:EP 1138314 A2 (Taro Pharrox 文献1には、本国際出願の一般式(1)ないる。 文献2には、抗真菌剤を被膜形成剤、工チルセルロースなどが記載されている。 文献3には、抗真菌剤をエチルセルロースなどが記載されている。 文献4には、抗真菌剤を被膜形成散してエチルセルロースなどが記載されている。 文献4には、抗真菌剤を被膜形成散れている。 文献6には、ポリオキシエチレンノニルフェ戦されている。 文献7には、皮膚外用剤にアニオンはまされている。 文献7には、皮膚外用剤にアニオンは身からの吸収が高まることが記載されている。 大蔵8には、抗真菌性被覆形成物に大変献8には、抗真菌性被覆形成物による。 大蔵8には、抗真菌性被覆形成物による。 大蔵8には、抗真菌性被覆形成物による。 大蔵8には、抗真菌性被覆形成物による。 大蔵8には、抗真菌性被覆形成物による。 大蔵8には、抗真菌性被覆形成物による。 大蔵8には、抗真菌性被覆形成物による。 大蔵8には、抗真菌性被覆形成物による。 大蔵8には、抗真菌性被覆形成物による。 大蔵8には、11には、11には、11には、11には、11には、11には、11には、1	三葉株式会社)1995.10.24 二業株式会社)1995.08.22 会社)1985.11.13 nical Industry Co.,Ltd)1993.07.20 PHARMACEUTICAL SERVICES, INC.)1996.04.18 巨堂)1992.01.31 会社)1980.12.12 野株式会社)1979.11.01 maceutical Industries Ltd)2001.10.04)で表される化合物が抗真菌活性を有することが記載されている。 「可塑剤などと組み合わせて使用することが記載されている。 に、可塑剤などと組み合わせて使用することが記載されている。 にいる。 にしている。 によれなどが可塑性を付与することが可能であることが記載されている。



国際予備審査報告

国際出願番号 PCT/JP03/07367

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欄の続き

文献9には、被膜形成物質が配合された外用剤において、アセトン、メチルエチルケトンを配合す ることが記載されている。

文献10には、抗真菌剤を重合体膜形成剤、可塑剤、揮発性溶剤などと組み合わせて「爪ニ ス剤」として使用すること:重合体膜形成剤として疎水性セルロースなど;可塑剤としてポリエチレン グリコール、プロピレングリコールなど,揮発性溶剤としてアセトンなどが記載されている。

*請求の範囲:1-18

請求の範囲1-18に記載された発明は、国際調査報告で引用された文献1~10により進歩

性を有しない。

請求の範囲1に関し、抗真菌剤を被膜形成成分、可塑剤と組み合わせた組成物とすることは 文献2~4で知られているから、抗真菌性を有する有効成分として文献1に記載の成分を使用 し、同様に被膜形成成分、可塑剤と組み合わせることは、当業者が普通に想到することである。そ して、使用する可塑剤の最適な範囲の条件を定めることは、その際に普通に行われることに過ぎな

請求の範囲2~17に関し、そのような被膜形成成分として既知のエチルセルロースなどを選択し たり、可塑剤として既知のポリオキシエチレン基を有する化合物などを選択したりすることも、当業者が普通に行うことに過ぎない。また、そのような組成物に、有効成分の浸透性を高めることを目的にアニオン界面活性剤を配合することや、被膜の性状を調整するために有機溶剤を配合することも、普通に行われることに過ぎない。そして、そのような特定の成分を使用した場合のみ、当業者に予想外の格別顕著な効果を奏するものとは認めることができない。さらに、抗真菌剤を配合した組成物を用などに涂在することも、強温の使用の能養に過ぎない。

物を爪などに塗布することも普通の使用の態様に過ぎない。 請求の範囲18に関し、組成物中の各成分の配合順は当業者が適宜検討することであり、本 国際出願での特定の配合順でのみ、当業者に予想外の格別顕著な効果を奏するものとは認める

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